



FAQ's for the new handheld cell phone use while driving and seat belt laws:

1. What is the State of Maryland's new cell phone law that takes effect on October 1, 2013?

"A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone (cell phone) other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone." With certain specific exceptions, all Maryland drivers are prohibited from using their hands to operate a cell phone, unless the vehicle is stopped.

2. Does the law apply to everyone?

No. It does not apply to law enforcement and emergency personnel when those individuals are acting within the scope of their safety and emergency duties.

3. Wasn't there already a law against using a handheld cell phone while driving?

Yes. A law went into effect in 2010 that made it illegal to use a handheld cell phone while driving, but at that time it was a secondary offense, and now it becomes a primary offense.

4. Explain the terms, "secondary and primary offense"?

As a secondary offense, officers could not stop a driver for using a handheld cell phone unless they observed the driver committing another traffic violation (such as running a stop sign).

As a primary offense, an officer can stop a driver for the sole offense of using a handheld cell phone while driving. A driver does not have to commit any other driving violation.

A cell phone attached to a hands-free device such as a Bluetooth is acceptable.

5. Are any type of calls exempt under this law?

Yes. Calls to 9-1-1, a hospital, ambulance provider, fire department, law enforcement agency and first aid squad are all exempt for emergency situations only.

6. This law prohibits handheld cell phone use while driving, but can I use a hands-free device?

Yes. With the exceptions listed in Question 7, using a hands-free device while driving is not in violation of this new law. However, by law both ears may not be covered by ear plugs, headset or earphones.

7. Are there any drivers who are not allowed to use a handheld cell phone even with a hands-free device while driving?

Yes. Any driver under the age of 18.

Anyone who has a learner's instructional permit or a provisional driver's license and is 18 years of age or older. The driver of a school bus that is carrying passengers and is in motion.

These types of drivers may only use a handheld cell phone while driving for an emergency situation.

8. Will there be a warning period?

No. It has been against the law to drive while using a handheld cell phone since 2010. Officers will begin writing citations for this offense on October 1, 2013. It is always up to an officer's discretion as to whether a warning might be issued rather than a citation.

9. What is the penalty for the offense?

For the first offense the fine is \$83.

For a second offense the fine is \$140.

For the third and subsequent offenses the fine will be \$160.

Three points will be assessed to your license if the offense contributes to an accident; otherwise no points are assessed for this offense.

10. Is there a separate law against texting while driving?

Yes. A law took effect in Maryland in 2009 that banned texting while driving. The primary texting law prohibits a driver from writing or sending text messages while operating a motor vehicle that is in motion or in the travel portion of the roadway. This law does not apply to texting 9-1-1 or using a global position system. Only a few 911 centers in Maryland can receive text messages. Currently, the Montgomery County 911 Emergency Call Center is not equipped to receive text messages, only calls from land line and cell phones.

11. Isn't there also a new law about seat belt use?

Yes. The new law requires that every passenger in a moving vehicle be secured with a seat belt or child safety restraint.

- Every child from 8 to 15 years old who is not secured in a child restraint (car seat or booster seat) must be secured in a vehicle seat belt, in any seating position.
- Children under the age of 8 are required to ride in a child safety seat, unless they are at least 4 feet, 9 inches tall.
- The new seat belt law requires rear seat vehicle passengers age 16 or older to wear a seat belt. Previously, only passengers under age 16 had to wear a seat belt when riding in the back seat of a vehicle.
- The fine for a passenger age 16 or older in the rear seat of a motor vehicle without a seat belt is \$83.
- Remember, because all seating positions within a vehicle require the use of a seat belt, the number of passengers carried in a vehicle may not exceed the number of seat belts in that vehicle.
- You may not secure more than one passenger in a seat belt.
- It is also against the law for drivers of pick-up trucks to transport passengers under 16 years of age in the unenclosed bed of the truck.

12. Where does the money go when I pay a traffic citation fine?

All the money received for traffic citations issued by law enforcement officers in Montgomery County and throughout the State of Maryland is forwarded to the State of Maryland's General Fund for allocation through the State's budget.

